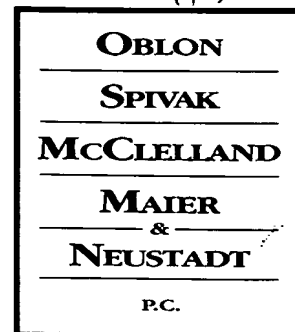




Docket No.: 235812US26CONT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

STEVEN P. WEIHHROUCH  
(703) 413-3000  
SWEIHHROUCH@OBLON.COM

JACOB A. DOUGHTY  
(703) 413-3000  
JDOUGHTY@OBLON.COM

RE: Application Serial No.: 10/622,486

Applicants: Pierre GARNIER

Filing Date: July 21, 2003

For: PROCESS, SYSTEM, AND KIT FOR EVALUATING  
THE RELIEF OF THE SKIN WITH A SUBSTRATE

Group Art Unit: 1614

Examiner: A.R. HUGHES

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Steven P. Weihrouch

Jacob A. Doughty  
Registration No. 46,671

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

DOCKET NO: 235812US26CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
PIERRE GARNIER : EXAMINER: HUGHES, ALICIA R.  
SERIAL NO: 10/622,486 :  
FILED: JULY 21, 2003 : GROUP ART UNIT: 1614  
FOR: PROCESS, SYSTEM, AND KIT FOR EVALUATING THE RELIEF OF THE  
SKIN WITH A SUBSTRATE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement dated January 17, 2007,  
consideration of the following remarks is respectfully requested.

Status of Claims

The Election of Species Requirement indicates that claims 1-53 are pending.  
However, after entry of the Preliminary Amendment filed July 21, 2003, claims 54-64 are  
pending. Applicants respectfully request that the correct status of the claims be  
acknowledged in the next Patent Office paper.

Response to Election of Species Requirement

Applicants elect: (1) a cosmetic or care product system that does contain an antiwrinkle product; (2) a cosmetic or care product system that contains an adhesive test device; and (3) a cosmetic or care product system that contains a test device with images that correspond to various degrees of aging of the skin. Applicants submit that at least claims 54-61, 63 and 64 read on the elected species. Applicants further submit that at least claims 54, 59-61, 63 and 64 are generic.

Applicants note that MPEP §803 provides that "[i]f the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Applicants respectfully submit that a search of any one species would necessarily encompass a search of other species, and thus searching all species would not impose a serious burden on the Office.

Applicants further note that numerous claims of this application are generic to two or more species. Accordingly, upon allowance of any such generic claim, non-elected species must be rejoined to the application and examined. In view of this eventuality, it is submitted that time and effort associated with such duplicative examination can be avoided by examining all species at present.

Application No. 10/622,486

Reply to Election of Species Requirement of January 17, 2007

Conclusion

In view of the foregoing, reconsideration and withdrawal of the Election of Species Requirement are respectfully requested.

Customer Number

22850

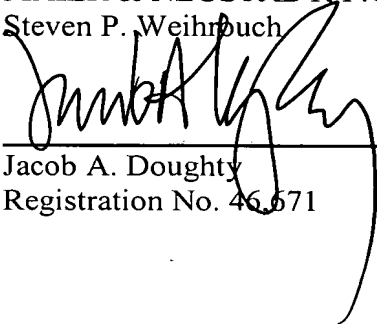
Tel: (703) 413-3000

Fax: (703) 413 -2220  
(OSMMN 06/04)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Steven P. Weihrauch



---

Jacob A. Doughty  
Registration No. 46,671